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**IN THE COURT OF FARMAN ULLAH,  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 17/1 of 2021  
Date of Institution: 23/02/2021  
Date of Decision: 10/06/2021

**Ajmira Jan w/o Azad Min**

Section Ali Khel, Tapa Mir Was Khel, PO Ghiljo, Tehsil Upper & District Orakzai  
(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Registrar, General NADRA Islamabad.**
3. **Assistant Director, Registration NADRA District Orakzai.**


Defendants)

**SUIT FOR DECLARATION, PERMANENT & MAIDATERY INJUNCTION**

**JUDGEMENT:**

Brief facts of case in hand are that the plaintiff **Ajmira Jan w/o Azad Min**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her correct date of birth is **18.06.1990** but defendants have wrongly mentioned her date of birth as **01-01-1985** in their record, which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct her date of birth but they refused. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.


  
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Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. Whether plaintiff has got cause of action?
2. Whether suit of plaintiff is within time?
3. Whether the correct date of birth of the plaintiff is **18.06.1990** while defendants have wrongly mentioned **01.01.1985** in their record?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.
6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced her witnesses as PW-1 to PW-3.
7. Azad Min, who is the attorney/husband of the plaintiff appeared as PW-1, and recorded his statement, wherein, he repeated the contents of plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/2 and *Nekah Nama* of the plaintiff as Ex.PW-1/3.
8. Gul Taza, who is the father of the plaintiff recorded his statement as PW-2. He stated that the real date of birth of the plaintiff is 18.06.1990, which has been correctly recorded in her *Nekah Nama* while it has been wrongly entered as 01.01.1985 by the defendants. He also stated that plaintiff is his younger daughter while Shahora Jan is also his daughter, who is older than plaintiff and both of them are not twins. He exhibited his CNIC as Ex.PW-2/1.

  
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9. Shah Nawaz, who is the relative of the plaintiff recorded his statement as PW-3. He stated in his examination in chief that he and father of plaintiff are cousin and are residing in the same house. He also repeated the facts uttered by PW-02 and exhibited his CNIC as Ex.PW-3/1.

10. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1 and recorded his statement as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1, family tree as Ex. DW-1/2.

11. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

12. My issues wise findings are as under:

**Issue No.03:**

Plaintiff contended in her plaint that her correct date of birth is 18.06.1990 while it has been wrongly entered as 01.01.1985 in her CNIC by the defendants. Plaintiff in support of her contention has relied on her Nikah Nama Ex.PW-1/3, the perusal of which shows the date of birth of the plaintiff has been recorded as 18.06.1990. PW-02 who is the father of plaintiff, while PW-03 is close relative of plaintiff, also supported the contention of plaintiff and both witness categorically stated that plaintiff and Shahora Jan are sister inter se. Shahora Jan is older than plaintiff and they are

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not twins. The CNIC of Shahora Jan available on file as Ex.PW-1/4 depicts that her date of birth has been recorded as 01-01-1985 while the same date of birth has also been recorded in CNIC of plaintiff Ex.PW-1/5. The incorporation of same date of birth of two sisters in their CNICs inspite of the fact that they are not twins strongly establishes that date of plaintiff has been wrongly recorded in her CNIC. The oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff is 18.06.1990 instead of 01.01.1985. Hence, the issue No.3 is decided in positive.

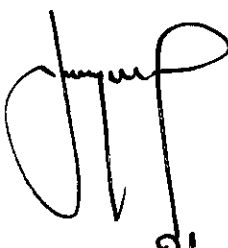
**Issue No. 02:**

Perusal of CNIC of plaintiff E.PW-1/5 reveals that CNIC of plaintiff was issued on 22-02-2016 while she was challenged the entry of her date of birth on 23-02-2021 by filing instant suit. Period provided for declaratory suit as per article 120 of Limitation Act is 06 years. Hence, the suit of plaintiff is within time.

The issue is decided in positive.

**Issue No. 01 & 04:**

These issues are taken together. For what has been held in issue No. 2, this court is of the opinion that plaintiff has got cause of action and she is entitled to the decree as prayed for.

  
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The issues are decided in positive.

**Relief:**

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as 18.06.1990. Parties are left to bear their own costs.

13. File be consigned to the record room after its completion and compilation.

**Announced**  
10/06/2021

**(Farman Ullah)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).

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Senior Civil Judge  
Orakzai at Baber Mela

**CERTIFICATE**

Certified that this judgment of mine consists <sup>of</sup> 05 (five) pages, each has been checked, corrected where necessary and signed by me.

**(Farman Ullah)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).

FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela